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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,475	12/28/2004	Keisuke Kawamura	263788US2PCT	2692
22850	7590	07/11/2008		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER ARANCIBIA, MAUREEN GRAMAGLIA	
			ART UNIT 1792	PAPER NUMBER
			NOTIFICATION DATE 07/11/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/519,475	<b>Applicant(s)</b> KAWAMURA ET AL.	
	<b>Examiner</b> Maureen G. Arancibia	<b>Art Unit</b> 1792	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 May 2008 and 30 June 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2 and 5-14 is/are pending in the application.
- 4a) Of the above claim(s) 8 and 9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 5-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 29 May 2008 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1, 2, 5, and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2001/0021422 to Yamakoshi et al. ('422 to Yamakoshi et al.) in view of European Patent Application Publication EP 0955665A2 (from Applicant's IDS) to Murata et al. and U.S. Patent 6,417,079 to Yamakoshi et al. ('079 to Yamakoshi et al.)**

In regards to Claims 1, 2, 10, and 11, '422 to Yamakoshi et al. teaches a method of plasma CVD in a plasma CVD apparatus (Figure 21, for example) with which high-frequency electric power generated by a plurality of high-frequency electric power feeding circuits 5a, 5b is fed to a plurality of discharge electrodes (rungs of ladder

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electrode 303), and plasma is generated between the discharge electrodes and a substrate G which are in a film formation chamber 2 into which a gas for forming a film containing a substance has been introduced through gas discharge ports 17, so as to vapor deposit the substance on the substrate (Figure 8 for example illustrates the common features of the plasma processing apparatus; Paragraphs 137-140), the apparatus comprising voltage distribution regulators 26a, 26b configured to adjust deviation in distribution of voltage on the discharge electrodes (particularly based on the positioning of the feeding points), the distribution of voltage occurring in a direction at right angles to a direction of fed electric power through the discharge electrode (Figures 8 and 21; at least Paragraphs 137-170 and 207-215), wherein the distribution of the voltage at an end part of the substrate and a central part of the substrate are balanced so that plasma is made uniform over the entirety of the substrate (at least Paragraphs 137-149 and 207-215), and a phase-shifting device 33 varying over time a phase difference between streams of the high-frequency electric power, which have the same frequency, supplied from the plurality of the high-frequency electric power feeding circuits 5a, 5b. (at least Figure 21 and Paragraphs 207-215)The teachings of '422 to Yamakoshi et al. were discussed above.

In regards to Claims 1, 2, 10, and 11, Yamakoshi et al. does not expressly teach that the voltage distribution regulators are impedance changers that change an impedance at a feeding point for the discharge electrodes toward the high frequency electric power feeding circuit.

Murata et al. teaches a plasma CVD apparatus (Figure 1) with which high-frequency electric power generated by a high-frequency electric power feeding circuit 36 is fed to a plurality of discharge electrodes (rungs of ladder electrode 32; Figure 2), and plasma is generated between the discharge electrodes and a substrate 33 which are in a film formation chamber 31 into which a gas for forming a film containing a substance has been introduced through gas discharge ports 37a, so as to vapor deposit the substance on the substrate (Paragraph 35), the apparatus comprising a voltage distribution regulator 61a-61h for adjusting deviation in distribution of voltage on the discharge electrodes, the distribution of voltage occurring in a direction at right angles to a direction of fed electric power through the discharge electrode (Figure 2), wherein the distribution of the voltage at an end part of the substrate and a central part of the substrate are balanced so that plasma is made uniform over the entirety of the substrate (ex. Table 1), and wherein the voltage distribution regulator comprises impedance changers provided to each of the plurality of high-frequency cables for supplying the high frequency power to the plurality of discharge electrodes (Figure 1; Paragraphs 31-34).

It would have been obvious to one of ordinary skill in the art to modify the apparatus taught by Yamakoshi et al. to substitute the voltage distribution regulator taught by Murata et al. for those taught by Yamakoshi et al., for the predictable result of successfully adjusting the deviation in the distribution of voltage on the discharge electrodes.

In regards to Claims 1, 2, 5, and 10-12, the combination of '422 to Yamakoshi et al. and Murata et al. does not expressly teach that each impedance changer can be a stub comprising a branch cable which branches off from the respective high-frequency cable, or that the stub specifically comprises a passive element which is connected to a distal end of the branch cable, and with a change in a constant of the passive element, the stub changes the impedance at a feeding point for the respective discharge electrode toward the high-frequency electric power feeding circuit.

'079 to Yamakoshi et al. teaches that an impedance changer 413 can be a stub comprising a branch cable and passive elements (variable capacitor and variable inductor; Figure 7) connected to a distal end of the branch cable, and with a change in the respective constants of the variable passive load elements, the stub changes the impedance at a feeding point for a discharge electrode 303. (Figure 7; Column 11, Lines 13-27)

It would have been obvious to one of ordinary skill in the art to modify the apparatus taught by the combination of '422 to Yamakoshi et al. and Murata et al. to substitute the impedance changer taught by '079 to Yamakoshi for that taught by the combination of '422 to Yamakoshi et al. and Murata et al., to have each impedance changer be a stub comprising a branch cable, as taught by '079 to Yamakoshi et al., and specifically to have passive elements connected to a distal end of the branch cable, wherein with a change in the respective constants of the variable passive load elements, the stub changes the impedance at a feeding point for a discharge electrode,

as taught by '079 to Yamakoshi et al., for the predictable result of successfully changing the impedance at each feeding point.

**4. Claims 6, 7, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over '422 to Yamakoshi et al. in view of Murata et al. and '079 to Yamakoshi et al. as applied to claims 1 and 2 above, and further in view of U.S. Patent Application Publication 2002/0134508 to Himori et al.**

The teachings of '422 to Yamakoshi et al., Murata et al., and '079 to Yamakoshi et al. were discussed above in regards to Claims 1 and 2.

In regards to Claims 6 and 7, the combination of '422 to Yamakoshi et al., Murata et al., and '079 to Yamakoshi et al. does not expressly teach that a change in the cable length of the branch cable, or in the characteristic impedance of the branch cable, changes the impedance at a feeding point for the discharge electrode.

Himori et al. teaches that a change in the cable length of a branch cable 132 of a stub, by moving short-circuiting element 133, changes the characteristic impedance of the branch cable, as broadly recited in Claim 7, and thereby changes the impedance at a feeding point for a discharge electrode 122. (Figure 17; Paragraph 10)

It would have been obvious to one of ordinary skill in the art to modify the apparatus taught by the combination of '422 to Yamakoshi et al., Murata et al., and '079 to Yamakoshi et al. to instead have each stub comprise a branch cable with a moveable short-circuiting element, as taught by Himori et al., that changes the characteristic impedance of the branch cable, and thereby changes the impedance at a feeding point

for a discharge electrode, as taught by Himori et al., for the predictable result of successfully changing the impedance at each feeding point.

### ***Response to Arguments***

5. Applicant's arguments filed 28 May 2008 have been fully considered but they are not persuasive.

6. In regards to Applicant's argument that Yamakoshi '079 does not teach or suggest the variable impedance matching device to include a branch cable which branches off from a high frequency cable, Examiner must disagree. Yamakoshi et al. expressly teaches '079 to an impedance changer 413 can be a stub comprising a branch cable that branches off from a high frequency cable (the cable connected between "In" and "Out" in Figure 7).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (specifically that Yamakoshi '079 does not teach wherein the impedance can be changed toward the high impedance side) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maureen G. Arancibia whose telephone number is



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(571)272-1219. The examiner can normally be reached on core hours of 10-5, Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Parviz Hassanzadeh can be reached on (571) 272-1435. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Maureen G. Arancibia/  
Examiner, Art Unit 1792

/Parviz Hassanzadeh/  
Supervisory Patent Examiner, Art Unit 1792